



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 21, 1991

Mr. Paul G. Stuckle
Police Legal Advisor
Ft. Worth Police Department
350 West Belknap Street
Ft. Worth, Texas 76102

OR91-248

Dear Mr. Stuckle:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID#11452.

The Fort Worth Police Department received an open records request for "access to tape recordings of all telephone calls to the 911 line or any police dispatcher, and records pertaining to subsequent dispatch instructions related to the Dec. 29 attack . . . at Mervyn's Department Store."

We have considered the exceptions you claimed, and have reviewed the documents at issue. The police dispatch records appear to consist of the same types of information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Consequently, these records must be released.

Similarly, the first portion of the recording of the 911 call, where the complainant is speaking to the medical emergency operator, also seems to consist of public information as outlined in the *Houston Chronicle* decision. You have not demonstrated, nor is it apparent to this office, how the release of the first part of the recording would "unduly interfere" with the investigation or prosecution of the assault. See *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The remaining portions of the 911 tape recording, where the complainant speaks with a Fort Worth police officer, constitute a *witness statement* given during the initial phase of the police investigation, and as such may be withheld under *Houston Chronicle* pursuant to section 3(a)(8).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-248.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/RWP/lb

Ref.: ID# 11452
ID# 12092

cc: Mr. Bill Teeter
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